



**ARUNDEL CENTER**  
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[www.aacounty.org](http://www.aacounty.org)

**STEUART PITTMAN**  
**County Executive**

**EXECUTIVE ORDER NUMBER 39**

**RESTATING AND CLARIFYING CERTAIN RESTRICTIONS AND  
IMPOSING ADDITIONAL RESTRICTIONS**

**WHEREAS**, a state of emergency and catastrophic health emergency was proclaimed by Lawrence J. Hogan, the Governor of the State of Maryland, on March 5, 2020, and renewed on March 17, 2020, April 10, 2020, May 6, 2020, June 3, 2020, July 1, 2020, August 10, 2020, September 8, 2020, October 6, 2020, October 29, 2020, and November 25, 2020, to control and prevent the spread of COVID-19 within the State, and the state of emergency and catastrophic health emergency still exists;

**WHEREAS**, on March 13, 2020, County Executive Steuart Pittman issued Executive Order No. 16 proclaiming a civil emergency in Anne Arundel County due to the rapid onset of the COVID-19 pandemic, which Executive Order was extended by the County Council on March 20, 2020, to continue for the duration of the Governor's state of emergency proclamation;

**WHEREAS**, on March 30, 2020, the Governor issued Executive Order No. 20-03-30-01 which ordered all nonessential employees in the State to stay at home for an undetermined period of time and imposed operating restrictions on business in the State in an effort to arrest the increase in the number of residents contracting the virus (the "Stay At Home" Order);

**WHEREAS**, since March 30, 2020, both the Governor and the County Executive have issued various Executive Orders relaxing the provisions of the Governor's Stay At Home Order and allowing certain businesses formerly ordered to be closed to reopen, under certain conditions to ensure public safety;

**WHEREAS**, on November 17, 2020, the Governor issued Executive Order No. 20-11-17-01, restating and revising portions of the Governor's prior Executive Orders, and imposing stricter capacity limits and closing times on Foodservice Establishments;

**WHEREAS**, the Governor's Executive Order No. 20-11-17-01 allows local jurisdictions to issue orders more restrictive than Governor's Executive Order No. 20-11-17-01 if the local

jurisdiction determines doing so is necessary and reasonable to save lives or prevent exposure to COVID-19;

**WHEREAS**, the spread of COVID-19 within Anne Arundel County has increased dramatically over the past several weeks and has caused an unprecedented impact on hospital capacity, necessitating additional restrictive measures to save lives and prevent further exposure to COVID-19;

**NOW, THEREFORE**, I, Steuart Pittman, County Executive, by virtue of the authority vested in me by the Charter and laws of Anne Arundel County, Maryland, and §§ 1-6-101 *et. seq.* of the Anne Arundel County Code, and pursuant to the authority granted to local jurisdictions in the Governor's Executive Order No. 20-11-17-01, and to save lives and prevent further exposure to the COVID-19 virus within Anne Arundel County and the State of Maryland, do hereby proclaim and order on this 10th day of December, 2020:

1. This Executive Order No. 39 is a Local Order as described in, contemplated by, and authorized by the Governor's Executive Order No. 20-11-17-01, to impose additional restrictions deemed necessary to save lives and prevent exposure to COVID-19.
2. Local Executive Order Nos. 25, 27, 29, 32, 33, 35, 37 and 38 are hereby further amended and restated in their entirety, the intent being that all restrictions imposed by Local Executive Orders are set out in full herein and shall control in the event of a conflict with any previous Local Executive Order.
3. As used in this Local Executive Order No. 39: (a) "Maximum Occupancy" and "Face Coverings" have the meaning as set forth in the Governor's Executive Order No. 20-11-17-01; (b) "Mandatory Health & Safety Protocols" means social distancing of at least 6 feet, wearing Face Coverings as required by the Governor's Executive Order No. 20-11-17-01, and complying with the latest guidance from the Centers for Disease Control and the Maryland Department of Health regarding social distancing.
4. All persons at any establishment, facility or venue covered under this Local Executive Order No. 39 or the Governor's Executive Order 20-11-17-01 shall comply with the Mandatory Health & Safety Protocols.
5. The County Executive strongly recommends that all persons within Anne Arundel County continue following the latest guidance from the Centers for Disease Control and the Maryland Department of Health regarding social distancing, including, without limitation, avoidance of large gatherings and crowded places.
6. All Personal Services Establishments (as defined in the Governor's Executive Order No. 20-11-17-01) shall continue to comply with the "Revised COVID-19 (Coronavirus) Guidance for Personal Services Establishments at Stage 2 Recovery," issued by the Anne Arundel County Department of Health on June 3, 2020, a copy of which is attached hereto and adopted by reference herein, and all applicable Orders for Public Safety issued by the Department. The total number of persons permitted in a Personal Services Establishment at any one time shall not exceed 25% of that Establishment's Maximum Occupancy.



7. The total number of persons permitted in a Religious Facility (as defined in the Governor's Executive Order No. 20-11-17-01) at any one time shall not exceed 33% of that Religious Facility's Maximum Occupancy. A Religious Facility may hold outdoor services for Christmas, Hanukkah or other recognized religious holidays with a gathering limit of no more than 250 persons, provided the Facility requires strict adherence to the Mandatory Health and Safety Protocols.
8. The total number of persons permitted in a Retail Establishment (as defined in the Governor's Executive Order No. 20-11-17-01) at any one time shall not exceed 25% of that Retail Establishment's Maximum Occupancy, or for any Retail Establishment without a posted Maximum Occupancy, 150 square feet of public space per person. All Retail Establishments shall comply with the Order for Public Safety issued by the County Department of Health on April 14, 2020, a copy of which is attached hereto.
9. Fellowship Addiction Recovery meetings are permitted, including, without limitation, Alcoholics Anonymous and Narcotics Anonymous, with a capacity limit of 25% of the Maximum Occupancy of the facility where the meeting is held or 50 persons, whichever is less.
10. Foodservice Establishments (as defined in the Governor's Executive Order No. 20-11-17-01) located in food courts in indoor shopping malls may open for carryout, delivery or curbside service only. Pedestrian areas in indoor shopping malls may remain open to provide access to Retail Establishments and Foodservice Establishments, provided congregation in any indoor areas outside any Retail Establishment is prohibited.
11. All Foodservice Establishments (as defined in Governor's Executive Order No. 20-11-17-01), including wineries or breweries that sell or serve beverages or food for consumption on-premises, may open for carryout, delivery or curbside service only. No indoor or outdoor seating is permitted. Food distribution sites that serve or donate food to people in need at no cost may continue to operate subject to Mandatory Health and Safety Protocols.
12. Social Clubs (as defined in the Governor's Executive Order No. 20-11-17-01) including American Legion posts, VFW posts, and Elks Clubs, may not sell or serve food or beverages for consumption on-premises in indoor or outdoor dining areas or facilities. The total number of persons permitted in a Social Club at any one time shall not exceed 25% of that Social Club's Maximum Occupancy.
13. Indoor social gatherings of more than 10 people are hereby prohibited. Outdoor social gatherings of more than 25 people are hereby prohibited. For the purpose of this Local Executive Order No. 39, "social gatherings" does not include activities, facilities or venues that have a specific capacity limit or are ordered closed under this Local Executive Order No. 39. "Social gatherings" includes, but is not limited to, family gatherings, parties, cookouts, parades, festivals, conventions, fundraisers, flea markets, yard sales, and other gatherings that are not associated with operating or patronizing a business that sells merchandise from a location with a posted Maximum Occupancy.

14. All organized sports in Anne Arundel County, including private school sports, are suspended. Private gyms and churches with gyms or play space that are not Fitness Centers (as defined in the Governor's Executive Order No. 20-11-17-01) may not allow those spaces to be used for sports, sports practices, group play, training, conditioning, or classes for fitness, training, or conditioning.
15. Fitness Centers (as defined in the Governor's Executive Order No. 20-11-17-01) may not conduct classes or group fitness activities unless said activities are held in room that provides at least 150 square feet per participant. The total number of persons permitted in a Fitness Center at any one time shall not exceed 25% of that Fitness Center's Maximum Occupancy. All staff and customers shall wear face coverings at all times and meet the Mandatory Health and Safety Protocols.
16. Gaming Facilities (as defined in the Governor's Executive Order No. 20-11-17-01) including casinos may not serve or sell alcohol or food except for carryout, delivery or curbside service. The total number of persons permitted in a Gaming Facility at any one time shall not exceed 25% of that Gaming Facility's Maximum Occupancy.
17. Indoor Theaters (as defined in the Governor's Executive Order No. 20-11-17-01) shall close.
18. Indoor or outdoor venues where live performances occur shall close.
19. Indoor Recreation Establishments (as defined in the Governor's Executive Order No. 20-11-17-01) such as bingo, pool halls, roller rinks, and ice rinks, shall close. Bowling Alleys may continue to operate, provided there is no sale or service of alcohol or food, and provided further that the total number of persons permitted in a Bowling Alley at any one time shall not exceed 25% of that Bowling Alley's Maximum Occupancy.
20. Outdoor Sporting Venues (as defined in the Governor's Executive Order No. 20-11-17-01), including professional, semi-professional, amateur, recreational, collegiate, high school and motor sports venues, shall close, except that professional or collegiate sports at an Outdoor Sporting Venue may be conducted provided spectators are not permitted.
21. Adult Entertainment venues shall close.
22. Cigar and hookah lounges shall close, but retail sales are still permitted, subject to the Retail Establishment capacity limits.
23. Local annual license fees for Foodservice Establishments assessed under § 11-6-101 of the County Code are waived and deemed paid for calendar year 2021.
24. This Local Executive Order No. 39 shall control in the event of a conflict between the terms of this Local Executive Order and any previous Local Executive Order.
25. All businesses and uses permitted to be open under the Governor's Executive Order No. 20-11-17-01 or any other State or local Executive Order, shall also comply with:



A. All previous Local Executive Orders and all Orders and guidance from the County Health Officer, including any "Order for Public Safety" issued by the County Health Officer, to the extent such Orders are not inconsistent with this Local Executive Order No. 39;

B. All State Executive Orders (as amended), as modified by this Local Executive Order No. 39;

C. Any applicable directives from the State Secretary of Health;

D. Mandatory Health & Safety Protocols and any additional guidance published by the Centers for Disease Control and the Maryland Department of Health, and requirements for Face Coverings as set forth in the Governor's Executive Order No. 20-11-17-01; and

E. All applicable Federal, State and local laws.

26. All other provisions of the Governor's Executive Order No. 20-11-17-01 shall apply in Anne Arundel County, unless specifically modified herein.

27. In addition to the authority of the County Health Officer to order the closure of any business, organization, establishment or facility for a violation of any State or Local Executive Order or Order for Public Safety, the owner of a business that violates this Local Executive Order No. 39 is guilty of a misdemeanor under the Governor's Executive Order No. 20-11-17-01 and shall be subject to imprisonment not exceeding one year and a fine not to exceed \$5,000, based on the following fine schedule: \$500 for a first offense, \$1,000 for a second offense, and \$5,000 for a third offense.

28. This Executive Order shall take effect as of 5:00 p.m. on Wednesday, December 16, 2020, and shall continue until terminated by subsequent Executive Order, or the local proclamation of emergency expires or is terminated, or January 13, 2021, whichever occurs first.

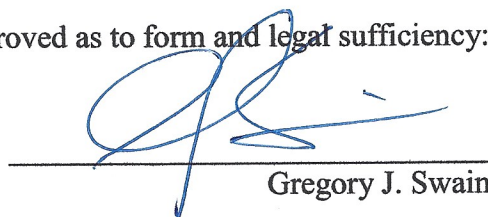
29. The County Public Information Office shall immediately disseminate notice of this Executive Order to the appropriate news media and to the general public.

This Executive Order shall be archived at the Office of Law.



STUART PITTMAN  
County Executive

Approved as to form and legal sufficiency:

  
Gregory J. Swain

County Attorney